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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,720	09/26/2001	James A. Powell	17674 (13201US01)	9296

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EXAMINER

LEON, EDWIN A

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/963,720

Applicant(s)

POWELL ET AL.

Examiner

Edwin A. León

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-26 and 30-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-26 and 30-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed February 19, 2004 in which Claims 26 and 42 have been amended, has been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15-18, 23-26, 30-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Eigenbrode et al. (U.S. Patent No. 4,252,397). With regard to Claim 15, Eigenbrode et al. discloses a connector device (1) capable of being used with an electrical cabling (2), the device (1) comprising a first connector (20) having a housing (body of 20) and opposing sides (top and bottom); and a second connector (13) having a housing (body of 13) and opposing sides (top and bottom); at least one of the opposing sides (top and bottom) of the first connector (20) being removably connected to one of the sides of the second connector (13), whereby the first connector (20) is

separable from the second connector (13) as electrical cabling (2) is spliced thereto.

See Figs. 1-5 and 12-19.

With regard to Claim 16, Eigenbrode et al. discloses the first (20) and second (13) connectors being removably connected by a weld (See Column 5, Lines 3-12, and Column 9, Lines 46-61). See Figs. 1-5 and 12-19.

With regard to Claim 17, Eigenbrode et al. discloses the first (20) and second (13) connectors being removably connected by an ultrasonic weld (See Column 5, Lines 3-12, and Column 9, Lines 46-61). See Figs. 1-5 and 12-19.

With regard to Claim 18, Eigenbrode et al. discloses the housings (bodies of 13 and 20) being formed of a nonconductive material. See Figs. 1-5 and 12-19.

With regard to Claim 23, Eigenbrode et al. discloses a crimping device (34) being positioned in each of the housings (bodies of 13 and 20) adjacent to a channel (Fig. 14) defined therein. See Figs. 1-5 and 12-19.

With regard to Claim 24, Eigenbrode et al. discloses the first (20) and second (13) connectors further including a crimping portion (5) capable of engaging the crimping device (34). See Figs. 1-5 and 12-19.

With regard to Claim 25, Eigenbrode et al. discloses a connecting plate (5) adjacent to the channel (Fig. 14) and capable of providing an electrical connection between cabling (2) received therein. See Figs. 1-5 and 12-19.

With regard to Claim 26, Eigenbrode et al. discloses a connector stick device (1) comprising a plurality of connectors (13, 20); each of the connectors (13, 20) having opposing sides (top and bottom); and wherein at least one of the opposing sides (top

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and bottom) of each the connector (13, 20) is removably connected to one of the opposing sides (top and bottom) of an adjacent the connector (13, 20) by an ultrasonic weld (See Column 5, Lines 3-12, and Column 9, Lines 46-61) and further wherein each the connector (13, 20) is separable from an adjacent connector (13, 20) by breaking the ultrasonic weld (See Column 5, Lines 3-12, and Column 9, Lines 46-61). See Figs. 1-5 and 12-19.

With regard to Claim 30, Eigenbrode et al. discloses the housings (bodies of 13 and 20) comprising first and second portions (top and bottom) movable relative to one another. See Figs. 1-5 and 12-19.

With regard to Claim 31, Eigenbrode et al. discloses one of the portions (top and bottom) comprising a crimping device (34). See Figs. 1-5 and 12-19.

With regard to Claim 32, Eigenbrode et al. discloses the housings (bodies of 13 and 20) each comprise a channel (Fig. 14) for receiving cabling (2), and a crimping device (34) proximate the channel (Fig. 14). See Figs. 1-5 and 12-19.

With regard to Claim 33, Eigenbrode et al. discloses the opposing sides (top and bottom) being nonconductive. See Figs. 1-5 and 12-19.

With regard to Claims 34, 39 and 41, Eigenbrode et al. discloses a connector assembly (1) for splicing cable with an automatic crimping tool (34), the connector assembly (1) comprising: a plurality of nonconductive housings (bodies of 13 and 20) joined to one another to form a connector stick (1), each of the housings (bodies of 13 and 20) comprising at least one opening (21, 28, 29) for passage of electrical cabling (2), wherein the plurality of joined nonconductive housings (bodies of 13 and 20) are

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separable from one another as the cable (2) is spliced thereto. The method limitations are deemed inherent and are rejected as shown above. See Figs. 1-5 and 12-19.

With regard to Claims 35 and 40, Eigenbrode et al. discloses the connector stick (1) comprising a plurality of ultrasonically welded (See Column 5, Lines 3-12, and Column 9, Lines 46-61) nonconductive housings (bodies of 13 and 20). The method limitations are deemed inherent and are rejected as shown above. See Figs. 1-5 and 12-19.

With regard to Claim 36, Eigenbrode et al. discloses the housings (bodies of 13 and 20) comprising first and second portions (top and bottom) movable relative to one another. See Figs. 1-5 and 12-19.

With regard to Claim 37, Eigenbrode et al. discloses one of the portions (top and bottom) comprising a crimping device (34). See Figs. 1-5 and 12-19.

With regard to Claim 38, Eigenbrode et al. discloses the housings (bodies of 13 and 20) each comprising a channel (Fig. 14) for receiving cabling, and a crimping device (34) proximate the channel (Fig. 14). See Figs. 1-5 and 12-19.

With regard to Claim 42, Eigenbrode et al. discloses a stick (1) of electrical connectors (13, 20) comprising: a plurality of electrical connectors (13, 20) disposed side-by-side, each of the connectors (13, 20) having a non-conductive housing, the connectors (13, 20) being joined together by respective ultrasonic welds (See Column 5, Lines 3-12, and Column 9, Lines 46-61) between adjacent the housings (bodies of 13 and 20), wherein the connectors (13, 20) are individually separable from the stick (1) by

breaking the ultrasonic welds (See Column 5, Lines 3-12, and Column 9, Lines 46-61).

See Figs. 1-5 and 12-19.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eigenbrode et al. (U.S. Patent No. 4,252,397). With regard to Claims 19-22, Eigenbrode et al. discloses the claimed invention except for the housings formed of a polycarbonate material, a polyester material, a polypropylene material, or the first connector housing being formed of one nonconductive material and the second connector housing being formed of a second nonconductive material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the housings of a polycarbonate material, a polyester material, a polypropylene material, or the first connector housing being formed of one nonconductive material and the second connector housing being formed of a second nonconductive material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

***Response to Arguments***

6. Applicant's arguments filed February 19, 2004 have been fully considered but they are not persuasive. In response to Applicant's arguments regarding Claims 15, 26, 34, 39 and 41-42, that the Eigenbrode et al. reference does not show at least one of the opposing sides of the first connector being removably connected to one of the sides of the second connector, whereby the first connector is separable from the second connector as electrical cabling is spliced thereto, Applicant's attention is directed to Column 5, Lines 3-12; Column 9, Lines 46-61) and Fig. 3 in which Eigenbrode et al. reference discloses at least one of the opposing sides (top and bottom) of the first connector (20) being removably connected to one of the sides of the second connector (13), whereby the first connector (20) is separable from the second connector (13) as electrical cabling (2) is spliced thereto. Applicant is reminded that only elements 5, bights 6 and connector (20) are permanently bonded (shown in Fig. 15, by feature (50) and Column 9, Lines 46-61). Applicant's attention is directed to Fig. 12 in which Eigenbrode et al. shows no permanent bond between elements 5 and connector (13). Furthermore, Column 9, lines 54-61 which were cited by Applicant only mentions the use of ultrasonic bond between connectors 13 and 20, which is the same as Applicant's claims. It does not mention any permanent bonding between 13 and 20 but instead it specifically says that only elements 5, bights 6 and connector (20) are permanently bonded. Therefore, it is the Examiner's opinion in view of Column 9, Lines 46-61 and



Fig. 12 of Eigenbrode et al. that the connectors 13 and 20 can be separated which would read on Applicant's claims in its broadest interpretation.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

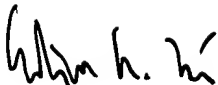
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (571) 272-2008. The examiner can normally be reached on Monday - Friday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800, extension 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Edwin A. Leon  
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April 20, 2004



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